

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated February 16, 2010 and, thus, the application is in condition for allowance.

By this reply, claims 15, 18, 35 and 41 have been canceled; and claims 10 and 32 have been amended. Claims 10, 12, 13 and 32 remain pending. Claims 16, 17, 33, 36 and 38 are withdrawn. Of the pending claims, claims 10 and 32 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 10, 12, 13, 15, 18, 32, 35 and 41 were rejected under 35 U.S.C. § 103(a) as being obvious over Rabkin (U.S. Pat No. 5,917,013) in view of Groutas (U.S. Pat No. 5,550,139) in view of JP 409040579 ("JP"). It is asserted that Rabkin discloses substantially the same invention as recited in the pending claims but for use of protease such as futhan. It is further asserted that although Groutas does not disclose the use of futhan, it does disclose the use of a serine protease. It is then added that JP discloses such use of futhan so the combination would render the present claims as obvious. Applicant respectfully traverses.

Neither Rabkin, nor Groutas nor JP nor any other reference of record, alone or in combination, teach or suggest the present invention as recited in the pending claims. For example, Rabkin does not teach or suggest a method which, among other things, administers activation lowering therapy comprising 6-amidino-2-naphthyl p-guanidinobenzoate dimethanesulfonate or a pharmaceutically acceptable salt, acid, ester and other derivatives thereof, prior to commencing treatment for the disease or condition if the level of cell activation is elevated. Further, Rabkin does not disclose repeating the steps of measuring, determining and administering activation lowering therapy and administering treatment, as needed to ease the symptoms associated with the disease or condition. Rabkin, at best discloses measuring free

radical production using conventional assays. Rabkin simply does not teach such recited and claimed steps, as admitted by the office Action.

Furthermore, Groutas also does not teach such recited steps which are not taught in Rabkin. For example, Groutas does not teach or suggest a method which, among other things, tests cell activation of white blood cells by assays that measure one or more of the level of free radical production, pseudopod formation, adhesion molecule expression and degranulation, administers activation lowering therapy comprising 6-amidino-2-naphthyl p-guanidinobenzoate dimethanesulfonate or a pharmaceutically acceptable salt, acid, ester and other derivatives thereof, prior to commencing treatment for the disease or condition if the level of cell activation is elevated, and repeating the steps of measuring, determining and administering activation lowering therapy and administering treatment, as needed to ease the symptoms associated with the disease or condition. At best, Groutas allows for a patient to “experience” inflammation, which is completely different from the positively recited step of medical testing for specific physiological conditions. Thus, Groutas does not fairly disclose at least such step so it cannot cure the defects of Rabkin.

Furthermore, JP cannot cure the deficiencies of Groutas because JP likewise does not teach or suggest a method which, among other things, tests cell activation of white blood cells by assays that measure one or more of the level of free radical production, pseudopod formation, adhesion molecule expression and degranulation. At best, JP teaches use of futhan in inflammation. It should be noted that inflammation and trauma are mutually exclusive and one does not necessarily involve the other. Thus, the combination of Rabkin, Groutas and JP does not fairly disclose at least such step so it cannot rightfully anticipate or obviate the present

invention and the rejection should be withdrawn. Thus, allowance of the pending claims is respectfully requested.

In the outstanding Office Action, claims 10, 12, 13, 15, 18, 32, 35 and 41 were rejected under 35 U.S.C. § 103(a) as being obvious over WO 92/15707 in view of Groutas (U.S. Pat No. 5,550,139) in view of JP 409040579 ("JP"). It is asserted that WO discloses substantially the same invention as recited in the pending claims but for use of protease such as futhan. It is further asserted that although Groutas does not disclose the use of futhan, it does disclose the use of a serine protease. It is then added that JP discloses such use of futhan so the combination would render the present claims as obvious. Applicant respectfully traverses.

Neither WO, nor Groutas nor JP nor any other reference of record, alone or in combination, teach or suggest the present invention as recited in the pending claims. For example, WO does not teach or suggest a method which, among other things, administers activation lowering therapy comprising 6-amidino-2-naphthyl p-guanidinobenzoate dimethanesulfonate or a pharmaceutically acceptable salt, acid, ester and other derivatives thereof, prior to commencing treatment for the disease or condition if the level of cell activation is elevated. Further, WO does not disclose repeating the steps of measuring, determining and administering activation lowering therapy and administering treatment, as needed to ease the symptoms associated with the disease or condition. WO, at best discloses measuring free radical production using conventional assays. WO simply does not teach such recited and claimed steps, as admitted by the office Action.

Furthermore, Groutas also does not teach such recited steps which are not taught in Rabkin. For example, Groutas does not teach or suggest a method which, among other things, tests cell activation of white blood cells by assays that measure one or more of the level of free

radical production, pseudopod formation, adhesion molecule expression and degranulation, administers activation lowering therapy comprising 6-amidino-2-naphthyl p-guanidinobenzoate dimethanesulfonate or a pharmaceutically acceptable salt, acid, ester and other derivatives thereof, prior to commencing treatment for the disease or condition if the level of cell activation is elevated, and repeating the steps of measuring, determining and administering activation lowering therapy and administering treatment, as needed to ease the symptoms associated with the disease or condition. At best, Groutas allows for a patient to “experience” inflammation, which is completely different from the positively recited step of medical testing for specific physiological conditions. Thus, Groutas does not fairly disclose at least such step so it cannot cure the defects of WO.

Furthermore, JP cannot sure the deficiencies of Groutas because JP likewise does not teach or suggest a method which, among other things, tests cell activation of white blood cells by assays that measure one or more of the level of free radical production, pseudopod formation, adhesion molecule expression and degranulation. At best, JP teaches use of futhan in inflammation. It should be noted that inflammation and trauma are mutually exclusive and one does not necessarily involve the other. Thus, the combination of WO, Groutas and JP does not fairly disclose at least such step so it cannot rightfully anticipate or obviate the present invention and the rejection should be withdrawn. Thus, allowance of the pending claims is respectfully requested.

A THREE (3) month extension of time is hereby requested to enter this response. If any fees are associated with the entering and consideration of this request for consideration, please charge such fees to our Deposit Account 50-2882.

As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

Date: August 16, 2010

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